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The application is GRANTED. By **July 14, 2021**, Plaintiffs shall file the opposition to Defendants' statement of undisputed material facts annexed to Plaintiffs' submission at Dkt. No. 81. By **July 19, 2021**, Defendants shall file any supplemental reply brief, not to exceed ten double-spaced pages.

SO ORDERED

Dated: July 13, 2021

New York, New York



LORNA G. SCHOFIELD

UNITED STATES DISTRICT JUDGE

July 12, 2021

Honorable Lorna G. Schofield
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: K.D. Hercules, Inc. et al v .Laborers Local 78 of Laborers' International
Union of North America , et al 1:20-cv-04829(LGS)

Request to File Plaintiffs' Opposition to Defendants' Rule 56.1 Statement.

Dear Judge Schofield,

We represent Plaintiffs K.D. Hercules, Inc. , K.D. Hercules Group Inc. and Kyriakos Diakou in this action. I am writing regarding an error in filing one of our papers in opposition to Defendants' motion for summary judgment. Inadvertently, our opposition to Defendants' "Statement of undisputed material facts" was not filed or an error occurred during the filing on or about July 1, 2021. We indeed refer to our opposition to Defendants' undisputed facts in our Memorandum of Law in Opposition (Docket # 72) on p.6 under the heading of "Undisputed Facts".

Plaintiffs became aware of this error this morning at about 11:40 A.M. when Defendants filed their reply, then this counsel contacted Defendants' counsel right away via e-mail.

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In addition, on June 30,2021, this counsel requested that a word format document of Defendants' Rule 56.1 statement be sent as was not provided pursuant to this Court's rule (Section III(c) (6). Defendants' counsel did promptly e-mail the word format of their Rule 56.1 statement. Annexed is the e-mail communication.

We respectfully request that Plaintiffs are permitted to file our opposition document to Defendants' "Statement of undisputed material facts." The opposition to Defendants' undisputed facts was e-mailed earlier today to Defendants' counsel and is attached hereto, as well.

Defendants do not consent to Plaintiffs' filing of the document in opposition to Defendants' "Statement of undisputed material facts." We would not object to Defendants' filing a supplemental reply.

Defendants would not be prejudiced by the filing of this document that inadvertently was not filed either by a law office error or by a filing error. Defendants know through the discovery and depositions that the “undisputed material facts” were indeed disputed. Furthermore, we respectfully request that this Court allows Plaintiffs to file the document in order for the summary judgment motion to be decided on its merits.

Respectfully submitted,
/s/Ioannis Sipsas

Ioannis (John) P. Sipsas

cc. Peter DeChiara (by ECF)